



Children (Scotland) Act 2020

2020 asp 16

Further provision about orders under section 11(1) of the Children (Scotland) Act 1995

17 Curators ad litem

- (1) The Children (Scotland) Act 1995 is modified as follows.
- (2) After section 11C (which is inserted by section 8(2) of this Act) insert—

“11D Appointment of curator ad litem

- (1) Where a court is considering making an order under section 11(1), the court—
 - (a) may only appoint a person to act as curator ad litem to a child if the court is satisfied that it is necessary to do so to protect the child’s interests,
 - (b) may only appoint a person who is included on the register maintained in accordance with section 101B,
 - (c) is to give reasons for the appointment.
 - (2) Where, in the course of considering making an order under section 11(1), a court has appointed a curator ad litem, the court must—
 - (a) decide whether to continue the appointment every 6 months, and
 - (b) if it decides to continue the appointment, give reasons for the decision.
 - (3) Subsection (2) does not apply in relation to a curator ad litem appointed before section 17 of the Children (Scotland) Act 2020 comes into force.”.
- (3) After section 101A (which is inserted by section 9(2) of this Act) insert—

“101B Register of curators ad litem for the purposes of section 11D

- (1) The Scottish Ministers must establish and maintain a register of persons who may be appointed to act as a curator ad litem in accordance with section 11D.
- (2) The Scottish Ministers may by regulations make provision for or in connection with—

Status: This is the original version (as it was originally enacted).

- (a) the requirements that a person must satisfy in order to be included, and remain, on the register (including requirements as to training and qualifications),
 - (b) the processes for including a person on, and removing a person from, the register (including appeal rights),
 - (c) the process for how, and by whom, a registered person is to be selected as the appointed curator ad litem in a case,
 - (d) the remuneration by the Scottish Ministers of curators ad litem appointed in accordance with section 11D, including expenses and outlays (such as counsel's fees),
 - (e) the operation and management of the register.
- (3) Regulations under subsection (2) are subject to the negative procedure.”.